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F# 2010R0

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL WARBURGH,  
also known as "ikeismike2,"

AFFIDAVIT IN SUPPORT OF AN  
ARREST WARRANT

M. No. \_\_\_\_\_  
(18 U.S.C. § 2252(a)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS.:

DANIELLE M. MESSINEO, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between November 29, 2009 and August 4, 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL WARBURGH, also known as "ikeismike2," did knowingly and intentionally receive visual depictions using a means and facility of interstate and foreign commerce, which visual depictions had been mailed, shipped and transported in and affecting interstate and foreign commerce, the production of such visual depictions having involved the use of one or more minors engaging in sexually explicit conduct and such visual depictions were of such conduct.

(Title 18, United States Code, Section 2252(a)(2)).

The source of my information and the grounds for my

belief are as follows:<sup>1</sup>

1. I have been employed as a Special Agent of the FBI since January 1995, and am currently assigned to the Long Island Resident Agency. Since June 2003, I have been assigned to investigate Sexual Exploitation of Children ("SEOC") violations of federal law, including the trafficking of child pornography. I have gained expertise in the conduct of such investigations through training in seminars, classes, and daily work related to conducting these types of investigations, including the execution of numerous search warrants relating to child pornography offenses and subsequent prosecution of offenders. I am also a member of the Eastern District of New York Project Safe Childhood Task Force.

2. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, my training and experience, and discussions I have had with other law enforcement personnel concerning the creation, distribution, and proliferation of child pornography. Additionally, statements attributable to individuals herein are set forth in sum and substance and in part.

THE UNDERCOVER INVESTIGATION

3. On or about December 9, 2009, an FBI Special Agent working in an undercover capacity ("Undercover Agent") signed into a peer-to-peer (P2P) program, which is publicly-available, via an

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<sup>1</sup> Because the purpose of this affidavit are merely to establish probable cause to arrest, I have not set forth all of the facts and circumstances concerning this investigation of which I am aware.

internet-connected computer located within the FBI Albany Division. The Undercover Agent memorialized the session by intermittent video capture using a computer program called Camtasia. Any download activity from the session was monitored via a Network Monitoring Program.

4. Upon signing in to the publicly available P2P file sharing program, the Undercover Agent observed that the user "Ikeismike2" was online. The Undercover Agent proceeded to browse "Ikeismike2"'s shared directories and observed files depicting images and titles indicative of child pornography.

5. The Undercover Agent downloaded ten (10) files from "Ikeismike2," and a later review of these files revealed that nine (9) of them appeared to depict child pornography.

6. The Undercover Agent used the program Commview to identify the IP address utilized by "Ikeismike2" as 24.47.221.40, registered to Optimum Online/Cablevision.

7. Records obtained for the subscriber and account information for the IP address 24.47.221.40 revealed that this IP address was registered to Optimum Online/Cablevision, an ISP. Records obtained from Optimum Online/Cablevision by administrative subpoena showed that this IP address was subscribed to the residence of defendant MICHAEL WARBURGH.

**THE SEARCH WARRANT EXECUTION**

8. On October 5, 2010, I, along with SCPD and FBI personnel, executed a federal search warrant on the residence of the defendant MICHAEL WARBURGH in Huntington, New York, which

warrant was issued by the Honorable United States Magistrate A. Kathleen Tomlinson of the Eastern District of New York.

8. Pursuant to this search, the defendant MICHAEL WARBURGH was interviewed, following waiver of his Miranda rights. Defendant WARBURGH admitted, in sum and substance and relevant part, that he had used the file sharing program described above for approximately eight to nine years to download child pornography. He further admitted that he was attracted to boys and girls aged 4 years old and masturbates to those images. WARBURGH also admitted that he used the screenname "ikeismike2" to download child pornography and that his external hard drive contained a "decent" amount of child pornography, including images of infants. WARBURGH admitted he had at least three buddies in the peer-to-peer file sharing program. WARBURGH also admitted that he had fetish for diapers, diaper erotica and "potty training."

9. A partial preliminary computer forensic examination of computer equipment recovered from the residence of defendant MICHAEL WARBURGH revealed numerous images and videos of apparent child pornography. Included among these files were at least three video files which were determined to have been downloaded by WARBURGH via the file sharing program, as set forth below:

a. The movie file "Kovtodo45(10.12).mpg," which was downloaded on or about November 29, 2009, which depicts a prepubescent male child approximately 3 to 4 years' old being masturbated by an adult male; and

b. The movie file "006-UTANAL-FULL.avi," which was

downloaded on or about April 29, 2010, which depicts a prepubescent child of unknown gender, approximately 4-6 years' old being anally sodomized by a adult male; and

c. The movie file "!2yo+mom+dadF...-4.wmv," which was downloaded on or about August 4, 2010, which depicts an adult female performing oral sex on a prepubescent female child, approximately 2 to 3 years' old, as well as an adult male engaging in what appears to be sexual intercourse with a child of unknown sex, approximately 2 to 3 years' old.

These videos are available for the Court's inspection.

WHEREFORE, Your affiant also respectfully requests that the defendant MICHAEL WARBURGH, also known as "ikeismike2," be dealt with according to law.

  
Danielle Messineo  
Special Agent - FBI

Sworn to before me this  
5<sup>th</sup> day of October, 2010

  
THE HONORABLE ~~WILLIAM D. WALL~~ A. Kathleen Tomlinson  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK